

MINUTES OF THE MEETING OF THE BOARD OF PSYCHOLOGISTS

March 17, 2006

1. ORAL EXAMINATION ADMINISTRATION

10:00 a.m. to 11:03 a.m. - Closed to Public in order to administer the Oral Examination.

Congratulations were extended to the following candidates who received a passing score (80% or above) on the examination:

Colleen A. Conoley
Eve Herrera
Katherine Keim
JoAnn Rittenhouse

2. ROLL CALL

The meeting of the Board of Psychologists was called to order by the Chairperson, Dr. Ullman, at 11:00 A.M., in the Sixth Floor, Conference Room Z, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members, and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

<u>Members</u>		<u>Board Representation</u>
Daniel Ullman, Ph.D.	-	Chairperson
Daniel Bizzell, Ed.D.	-	Vice-Chairperson
Diane Miller-Ruhlman	-	Secretary
Louise Jeffrey, PhD	-	Member
Ann Heermann	-	Member
Lori Wall, Ph.D.	-	Member
Absent:		
John Curran	-	Member
<u>Other(s) Present</u>		<u>Agency Representation</u>
Kris Chiles	-	Section Administrator, Credentialing Division
Susan Strong	-	Assistant Attorney General
Lisa Anderson	-	Assistant Attorney General
George Pflager	-	Investigation & Enforcement Division
Barbara Remmers	-	Investigation & Enforcement Division

3. ADOPTION OF AGENDA

Jeffrey stated that the minutes need to reflect that she is no longer Chairman of the board. Ullman indicated that he has an additional item to be addressed under unfinished business, 2006 Legislation. He stated that there are two bills, which he would like to address briefly. Ullman also stated that Dr. David DiLillo, from the University of Nebraska at Lincoln has a proposal regarding post-doctoral requirements for faculty members, which he would like to present to the board at approximately 1:00 p.m.. It was also suggested that under item #8C, there be discussion regarding the supervisory relationship of the Special Psychologists. Under 9b, there is need for discussion on the change in APA policy regarding supervised practice, prior to licensure.

MOTION: Jeffrey moved, seconded by Heermann to accept the agenda as amended. A roll call vote was taken. Voting aye: Bizzell, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (6) Voting nay: none (0). Absent: Curran (1). Motion carried.

4. APPROVAL OF MINUTES

◆ **MOTION:** Jeffrey moved, seconded by Miller-Ruhlman that the minutes of January 20, 2006 be accepted. A roll call vote was taken. Voting aye: Bizzell, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (6) Voting nay: none (0). Absent: Curran (1). Motion carried.

5. INVESTIGATION INFORMATION – CLOSED SESSION

◆ **MOTION:** Bizzell moved, seconded by Wall to enter into closed session at 11:08 P.M., to hear discussions of investigative reports and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Bizzell, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (6) Voting nay: none (0). Absent: Curran (1). Motion carried.

◆ **MOTION:** Miller-Ruhlman moved, seconded by Bizzell to enter into open session at 1:29 P.M. A roll call vote was taken. Voting aye: Bizzell, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (6) Voting nay: none (0). Absent: Curran (1). Motion carried.

6. DISCIPLINARY INFORMATION – OPEN SESSION

a. Actions Pending/Taken

Chiles stated that there has been disciplinary action taken since this Board's previous meeting.

7. APPLICATION REVIEW AND BOARD DETERMINATION

a. Reinstatements

Mark Eugene Schutter, PhD

Chiles presented a completed application and the required supporting documentation for reinstatement of Dr. Schutter's license to practice Psychology.

◆ **MOTION:** Bizzell moved, seconded by Heermann, to accept the petition for reinstatement, based on the fact that the requirements for reinstatement have been met. A roll call vote was taken. Voting aye: Bizzell, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (6) Voting nay: none (0). Absent: Curran (1). Motion carried.

b. Applications

Jeromy Werner

Chiles reported that the board needed to reaffirm their mail ballot vote to approve the non-APA accredited Internship Program completed by Dr. Werner.

◆ **MOTION:** Bizzell moved, seconded by Heermann, to accept the Internship, based on the fact that the board has determined Dr. Warner's Psychology Internship met the standards of APA equivalency. A roll call vote was taken. Voting aye: Bizzell, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (6) Voting nay: none (0). Absent: Curran (1). Motion carried.

c. Convictions

Chiles stated that the Department has received one application with conviction information identified, however given the application is incomplete, it will be addressed at the May meeting.

d. **Administrative Penalties**

There have been no administrative penalties imposed since the previous meeting.

8. UNFINISHED BUSINESS

a. **Board Newsletter**

Chiles directed the board's attention to page 8 of the newsletter draft. She questioned if the board wanted numbers on the Nebraska map, as to the location of licensed Psychologists? After a brief discussion it was determined that numbers on the map are helpful. Chiles stated that the goal is to print and mail the newsletter in April 2006, so if there are additional changes to let her know by April 1st.

b. **2006 Legislation**

• **Uniform Licensing Law**

Chiles reported that on December 12, 2005, the Department was informed by the Governor's Policy Research Office that HHSR&L was not to pursue the introduction of the Uniform Licensing Law rewrite; no reason for such directive was provided. A copy of this notification (dated December 16, 2005) was distributed to members of all professional boards.

1:30 P.M. - Dr. Jim Cole and Dr. David DiLillo entered the meeting
1:30 A.M. - The board took a break
1:37 A.M. - The meeting resumed in open session & Dr. Laurel Van Ham entered the meeting

c. **407 Review regarding Independent LMHP Practice (major mental disorder diagnosis)**

Chiles stated that LB 271 (expanding the scope of LMHP practice) was introduced and was still in committee.

Bizzell raised concern that there are Special Licensed Psychologists who will not have the independence that an independent licensed mental health practitioner will have. He stated that he's bothered by this and wonders what can be done about Nebraska Psychologist's who will find themselves in such a position.

Chiles stated that in order to address that issue, would require a change in scope of practice for the Special Licensed Psychologist and that such change may require a 407 review process. She continued that if LB 271 regarding Independent LMHP Practice does not pass this year, it will have to be re-introduced in 2007. Bizzell stated that the board needs to look at the language which allows an individual with a lesser education to provide independent service, not allowed at the doctoral level for licensed Psychologist's. Chiles advised that such could be presented as testimony, should such bill be re-introduced next session.

d. **Oral Examination**

Chiles reported that recently she was informed that ASPPB no longer requires an oral examination as a component of CPQ membership. After discussion the board agreed that they support the continued administration of an oral examination. At the beginning of each oral examination, the board will present information to the applicants, as to the rationale of the board in administering an oral examination, which will also allow for interaction and open dialogue between the applicants and the board.

e. **Board Sponsored C.E. Program**

Jeffrey stated that given Nebraska Psychological Association collected feedback following the Board and NPA sponsored Clinical Supervision Training (November 18th and 19th, 2005), she did not have access to comments made regarding the content of the workshop. She stated that she would be in contact with NPA to obtain some feedback. Jeffrey stated that she would like to see the board offer this as an annual

event, free to practitioners, keeping to topics of general interest to Psychologists. Ullman stated that he liked the pre-test on new regulations. He suggested the topic for the next workshop might be 'Best Practices' in terms of substance abuse assessment and treatment. This item will be placed on the agenda for the May meeting for further discussion.

f. Other

Given Dr. DiLillo had recently entered the meeting, the Board focused on discussing post-doctoral supervision. Ullman stated that Dr. DiLillo had e-mailed him a letter outlining issues relating to post-doctoral supervision and he distributed a copy to each member of the board asking that they review such e-mail for further discussion (copy of letter attached).

Dr. DiLillo stated that he has identified two variables that would protect public interest and still meet the post-doctoral experience requirements as set out by the board in regulation.

- The definition of types and kinds of activities that qualify as "direct services".
- The proportion of the total of 1,500 hours required to be "direct service activities".

There was a lengthy discussion among the board and interested parties.

Dr. Ullman suggested that the board schedule a special work session, given the concerns and discussion taking place and the time restraints placed on discussion at today's meeting. Chiles reminded the board as to the process involved in order to make any regulatory changes. If the board wishes to move forward at this time with changes to the regulations, aside from changes that may be necessary once the ULL changes are made, the board must first make a request to the Health and Human Services Regulation and Licensure Director for approval to revise regulations. If this is the direction pursued, Chiles suggested that the board consider scheduling work sessions to work on revising the regulations so that interested persons may speak to the board openly regarding such issues/changes.

◆ **MOTION:** Bizzell moved, seconded by Jeffrey that the board schedule a work session to identify possible regulatory changes. A roll call vote was taken. Voting aye: Bizzell, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (6) Voting nay: none (0). Absent: Curran (1). Motion carried.

After additional discussion, it was determined that Monday, April 10, 2006 at 10:00 A.M., will be the date and time for such work session to take place. Chiles stated that she will be printing and forwarding an agenda for this work session. Additional work session dates will be determined at a later date.

2:55 P.M. - DiLillo left the meeting

Cole addressed the board with reference to LB 1132. This bill was introduced by Senator Price relating to behavioral health and provides for the use of family-centered practice as prescribed; the hearing was held February 9, 2006. He stated that there are ways in which practice is being controlled or restricted and in some cases, prevented: As an example, through Legislation. Cole stated that often times these kinds of changes have unintended consequences, such as it clearly violates the HIPPA law and also violates the Code of Ethics.

Ullman stated that he attended the committee hearing relating to LB 1205. This bill was introduced by Senator Dwight Pedersen and relates to sex offenders, provides for a sex offender treatment and management working group, and provides powers and duties of the working group; the hearing was held February 16, 2006.

3:04 P.M. - Cole and Van Ham left the meeting
3:10 P.M. - Heermann departed the meeting
3:12 P.M. - Heerman re-entered the meeting
3:18 P.M. - Van Ham re-entered the meeting
3:30 P.M. - Kelley entered the meeting
3:33 P.M. - Kelley left the meeting

9. NEW BUSINESS

a. Correspondence

• ASPPB

Chiles stated that she'd received a telephone call from ASPPB this week, affirming that Nebraska's Reciprocity Agreement application has been accepted. She directed the board members to their board packets, which include a list of all states who are currently part of said agreement. At this time, Nebraska and Oregon are listed as "in the process", but this should be updated shortly to reflect our involvement in such agreement, making us one of 12 states who have been accepted and entered into such agreement. Chiles indicated that other material in their packet includes a list and map of those states participating in the CPQ Agreement and also a "Reciprocity Agreement" map of participating states.

Jeffrey stated that since the oral examination will no longer be required to obtain the CPQ (effective June 1, 2006) there is an opportunity for the board to re-write the jurisprudence examination and asked that this item be placed on the agenda for the next meeting.

Chiles stated that Bizzell will be attending the ASPPB 21st Mid-year meeting being held in Florida on April 20-23, 2006.

• APA/NPA

Chiles also indicated that she had forwarded to each board member, the new guidelines for child custody evaluations in divorce proceedings as set out by the APA.

b. Other

Bizzell spoke to the board regarding HHSS Region 3 probation is setting up programs for substance abuse. He stated that in doing so, the persons responsible for the delivery of such programs have no training in dealing with either substance abuse or mental health but they will be providing group services to their clients. He went on to state that one of the criteria required to be involved in such program, is that you may have a chemical dependency evaluation. He stated that there would be no screening for mental health issues and this is of concern to him with regard to protection of the public. There was additional general discussion regarding this topic.

Chiles stated that she had recently been presented with questions regarding psychologists' who are trained outside of the United States and how to obtain evaluation of their educational degree. She suggested that this be one topic for review and discussion during one of this board's regulatory review sessions and that it may be necessary to make regulatory changes in order to fully address this issue.

10. ADJOURNMENT

There being no further business, the meeting of the Board of Psychologists adjourned at 3:40 P.M.

Respectfully submitted,

Diane Miller-Ruhlman, Secretary
Board of Examiners of Psychologists

Summarized by: Cindy Kelley, Credentialing Specialist
Credentialing Division

Next Meeting:
May 19, 2006